

Application Number 10/621,101
Amendment Date 8/8/2005
Reply to Office action of 05/11/2005

REMARKS / ARGUMENTS

Claims 3, 6, 7, 12 and 15 have been amended. Claims 1, 2, 5, 9, 10, 11 and 19 have been cancelled. Claims 3, 4, 6-8, 12-18 and 20 remain in the application.

Reexamination and reconsideration of the application, as amended, are requested.

Claims 3, 6, 12 and 15 have been amended to remove the feature slidably. Claim 7 has been amended to further limit cable to being connected to the latch pin.

Claims 3, 4, 6, 12 and 15-19 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention.

Claims 3 and 12 have been amended to remove the feature slidably from the claims.

Claims 6 and 15 have been amended to remove the feature slidably from the claims.

Claim 7 has been amended to further limit cable to being connected to the latch pin.

Claims 4, 6 and 16-18 now depend upon claims that have been amended as stated above.

Claim 19 has been cancelled.

The need for the specification to describe the invention only in such detail to enable a person skilled in the art to make and use the device is well known. E.g. as was stated In re Naquin, 398 F.2d 863, 158 USPQ 317, 319 (C.C.P.A. 1968)

The specification need describe the invention only in such detail as to enable a person skilled in the most relevant art to make and use it. When an invention, in its different aspects, involves distinct arts, that specification is adequate which enables the adepts of each art, those who have the best chance of being enabled, to carry out the aspect proper to their speciality.

Claims 1, 2, 5 and 11 stand rejected under 35 USC 103(a), as being unpatentable over Beck (US Pat. No. 1,645,683) in view of Goller (US Pat. No. 3,191,902).

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The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of Beck '683 in the manner suggested would not allow the prior art to work in the following way. The Beck '683 reference teaches that the article of furniture may be used either as a chair, a table or a lectern as described. In using the table, the panels are placed in parallel alignment as illustrated in figure 2. When used as a lectern, the upper panel which is hingedly attached to the lower panel is elevated at one end and is fixed in such angular position by brackets. When using the article as a chair, the lower panel is rotated to a vertical plane so that the upholstery of the underside of the lower panel serves as a backrest, as in a chair, Col. 2, line 101 to Col. 3, line 3. The instant invention claims a basket, which would not allow use as a chair, table or lectern.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Beck '683 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of the basket in the manner suggested would change the principle of operation of the above stated reference in the following way. The Beck '683 reference teaches that the article of furniture may be used either as a chair, a table or a lectern as described. In using the table, the panels are placed in parallel alignment as illustrated in figure 2. When used as a lectern, the upper panel which is hingedly attached to the lower panel is elevated at one end and is fixed in such angular position by brackets. When using the article as a chair, the lower panel is rotated to a vertical plane so that the upholstery of the underside of the lower panel serves as a backrest, as in a chair, Col. 2, line 101 to Col. 3, line 3. The instant invention claims a basket, which would not allow use as a chair, table or lectern and which does not claim movable walls to accomplish

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any of these results.

Claims 1, 2, 5 and 11 have been cancelled.

Claims 9 and 10 stand rejected under 35 USC 103(a), as being unpatentable over Beck (US Pat. No. 1,645,683) in view of Goller (US Pat. No. 3,191,902).

The claims are believed to be unobvious because the modification as suggested by the office action would render the prior art unsatisfactory for its intended purpose. It has been held that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). The modification of Beck '683 in the manner suggested would not allow the prior art to work in the following way. The Beck '683 reference teaches that the article of furniture may be used either as a chair, a table or a lectern as described. In using the table, the panels are placed in parallel alignment as illustrated in figure 2. When used as a lectern, the upper panel which is hingedly attached to the lower panel is elevated at one end and is fixed in such angular position by brackets. When using the article as a chair, the lower panel is rotated to a vertical plane so that the upholstery of the underside of the lower panel serves as a backrest, as in a chair, Col. 2, line 101 to Col. 3, line 3. The instant invention claims a basket, which would not allow use as a chair, table or lectern.

The claims are believed to be unobvious because the modification as suggested by the office action would change the principle of operation of the Beck '683 reference. It has been held that if the proposed modification of the prior art changes the principle of operation of the prior art being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious, *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). The modification of the basket in the manner suggested would change the principle of operation of the above stated reference in the following way. The Beck '683 reference teaches that the article of furniture may be used either as a chair, a table or a lectern as described. In using the table, the panels are placed in parallel alignment as illustrated in figure 2. When used as a lectern, the upper panel which is hingedly attached to the lower panel is elevated at one end and is fixed in

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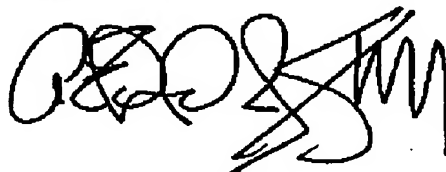
such angular position by brackets. When using the article as a chair, the lower panel is rotated to a vertical plane so that the upholstery of the underside of the lower panel serves as a backrest, as in a chair, Col. 2, line 101 to Col. 3, line 3. The instant invention claims a basket, which would not allow use as a chair, table or lectern and which does not claim movable walls to accomplish any of these results.

Claims 9 and 10 have been cancelled.

The subsidiary references, Schultz, US Patent Number 2,604,334, Reyes, US Patent Number 6,032,586, Jaramillo, US Patent Number 6,439,133, and Fears, US Patent Number 6,536,358, have been studied, but are submitted to be less relevant than the relied upon references.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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Certificate of Facsimile

I hereby certify that this correspondence is being transmitted by fax to the United States Patent and Trademark Office on the date shown below.

Anthony Edw. J Campbell



Monday, August 08, 2005

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